



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**17<sup>TH</sup> JUNE 2021**

#### **HOME OFFICE – WIDENING ASYLUM SEEKER DISPERSAL SCHEME**

#### **REPORT OF DIRECTOR – PUBLIC HEALTH, PROTECTION AND COMMUNITY SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER CLLR RHYS LEWIS, CABINET MEMBER FOR STRONGER COMMUNITIES, WELL-BEING AND CULTURAL SERVICES**

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#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to seek support for the participation of the Council in the Home Office Widening Asylum Seeker Dispersal Scheme.

#### **2. RECOMMENDATIONS**

It is recommended that Cabinet:

- 2.1 Approve participation in the Widening Asylum Seeker Dispersal Scheme within the County Borough, building on the positive experience and learning gained from the delivery of the Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme.
- 2.2 Agree that the Director, Public Health, Protection and Community Services can start discussions with the Home Office, WSMP and Clearsprings Ready Homes to determine how many individuals/families can be supported in Rhondda Cynon Taf.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 In March 2021, the Home Office advised there were approximately 10,000 asylum seekers in contingency accommodation (hotels) in England, largely in the Kent and London areas. Significant backlogs in the system to process applications have been caused by the pandemic and there is an urgent need for all areas of the UK to contribute to supporting asylum seekers to move into more suitable, temporary accommodation while their applications for asylum are processed.
- 3.2 Cardiff, Swansea, Wrexham and Newport are the four areas of Wales that are currently designated as Asylum Seeker Dispersal areas. All four local authorities remain committed to the programme however additional support from all Wales LAs

is required in order to contribute to the Home Office target of supporting a further 800 individuals to be accommodated in Wales in coming months.

- 3.3 The Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme currently in place continues to operate sustainably, with excellent partnership work taking place between third sector organisations, the University Health Board and the Local Authority. There are also very strong links with Further and Higher Education establishments within the Authority and the coordinated approach to RCTCBC's work has received widespread recognition. Participation in the Wider Dispersal Scheme would build on this partnership approach and contribute to the Welsh Governments stated ambition that Wales is a Nation of Sanctuary.

#### **4. BACKGROUND**

- 4.1 The Home Office is responsible for fulfilling the United Kingdom's obligation under the 1951 United Nations Convention relating to the status of Refugees (The Geneva Convention) and ensuring that those genuinely fleeing persecution are given the protection they need.
- 4.2 To achieve this, the UK Visa and Immigration (UKVI) provides support services for Asylum Seekers, failed Asylum Seekers and Refugees. Statutory provision is in accordance with Immigration and Asylum Act 1999 and the Asylum Support Regulation 2000.
- 4.3 The UK has a proud history of granting asylum to those who need it. The number of asylum applications to the UK peaked in 2002 at 84,132. After that the number fell sharply to reach a twenty-year low point of 17,916 in 2010, before rising again to reach 35,737 in 2019.
- 4.4 Due to a shortage of known and suitable accommodation in existing dispersal areas, to assist with future planning and the requirement to create equitable distribution of people seeking asylum amongst Local Authorities in the UK, the Home Office have requested that every Local Authority / District Authority participates in the Widening Dispersal Scheme to increase opportunities throughout the UK where Asylum Seekers can reside.
- 4.5 On 5<sup>th</sup> March 2021, a meeting was convened with WLGA, inviting Chief Executives of all Wales Local Authorities to discuss assisting with Widening Dispersal. The Home Office are looking for an 'In Principal Agreement' that permits an accommodation provider contracted by the Home Office to source accommodation for people seeking asylum.
- 4.6 The Home Office has not predetermined the number of people to be placed in each area but want to establish a dialogue that identifies the needs of each Local Authority and to agree a way forward that works to enable participation.

## **5. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY**

- 5.1 In order to comply with the statutory duties contained with the Equality Act 2010 and meet our Socio-economic duty in providing services which can improve inequality of outcome for people who face socio-economic disadvantage. A full Equality Impact Assessment will be required to fully assess the impact of taking forward the widening the Asylum Seeker Dispersal Scheme within the County Borough.

## **6. WELSH LANGUAGE IMPLICATIONS**

- 6.1 There are no positive or negative impacts of the proposal on the Welsh Language. The proposal at this time is primarily concerned in the first instance in starting discussions with the Home Office, WSMP and Clearsprings Ready Homes.

## **7. DEFINITIONS**

- 7.1 Asylum is protection given by a country to someone fleeing from persecution in their own country. An Asylum Seeker is someone who has applied for asylum and is awaiting a decision on whether they will be granted Refugee status. An asylum applicant who does not qualify for refugee status may still be granted leave to remain in the UK for Humanitarian or other reasons. An Asylum Seeker whose application is refused at initial decision may appeal the decision through an appeals process and, if successful, may be granted leave to remain.
- 7.2 If the application is accepted, an Asylum Seeker will generally be granted 5 years refugee status. Successful applicants can work, live and study in the UK and access public funds.

## **8. ACCOMMODATION AND SUPPORT**

- 8.1 Participating Authorities do not need to source or maintain properties as this is done by Clearsprings Ready Homes in Wales (MEARS and SERCO in other regions). Clearsprings Ready Homes accommodate and support Asylum Seekers in the private rented sector and equip accommodation (including rent, licensing, furnishing property maintenance and payment of utility bills). They work closely with the Authority to identify suitable locations to source accommodation that is economically viable and with access to public transport routes and in proximity to community services.
- 8.2 They provide full support for individuals and families into a community whilst their asylum application is being assessed. The length of stay in asylum accommodation can be anywhere between 6 months and 2 years, depending on the complexity of the case.
- 8.3 Migrant Help have been contracted by the Home Office to deliver 'Advice, Issue Reporting and the Eligibility Contract' (AIRE). They employ Community Liaison Coordinators who can assist in new areas in a multi-agency approach.

8.4 Migrant Help will work in tandem with Clearsprings Ready Homes across potential new areas in Wales.

## **9. CEASING SUPPORT**

9.1 For those who are granted protection, their access to cash support and accommodation will cease within 28 days of receiving the decision in relation to their application.

9.2 Those individuals who have been refused asylum can appeal and will continue to receive support whilst they have an appeal outstanding. When they exhaust their appeal rights, cash support and accommodation will cease 21 days after the final decision.

9.3 At present people without children whose appeal has not been upheld are expected to return their country of origin. However, Section 4 support may on occasions continue to be provided if there is a short-term barrier to them leaving. If they refuse to leave, removal can be enforced (but not to all countries).

9.4 At present, for families with children under 18, accommodation and cash support only ceases if someone is granted asylum. Families who are refused asylum at present remain supported by UKVI if they have children under 18 and until their youngest child is 18.

## **10. CONSULTATION/INVOLVEMENT**

10.1 Prior to acceptance of any individuals into RCT, extensive consultation will be carried out with the Home Office, WSMP and Clearsprings Ready Homes.

## **11. FINANCIAL IMPLICATIONS**

11.1 Accommodation and support are funded by the Home Office directly, therefore no funding will be given to the Local Authority. Any additional costs associated with Education or Social Care needs of individuals or families arriving in RCT as part of this scheme will need to be met by the Council through existing budgets.

11.2 Whilst a decision on an Asylum Seeker's 'Right to Remain' as a refugee is made, all living costs are covered by the Home Office through their delivery partner Clearsprings Ready Homes.

11.3 Should an individual be granted Leave to Remain, there may be on-going welfare benefit costs until the person secures employment and becomes financially independent. Eligibility to claim Housing Benefit is determined by the status awarded when someone enters the UK. If granted the right to reside, then the entitlement to claim housing benefit would be at Local Housing Allowance rates for properties.

## **12. LEGAL IMPLICATIONS/LEGISLATION CONSIDERATIONS**

- 12.1 The power to enforce a Local Authority to participate in widening dispersal exists under the Immigration and Asylum Act 1999. The Minister has made it clear to UKVI that engagement with all Local Authorities will be undertaken and will ensure that all options are exhausted before use of these powers will be considered.
- 12.2 The Council has neither the statutory duty nor the power to provide financial support or accommodation to Asylum Seekers. Section 95 of the Immigration and Asylum Act 1999 provides that the Secretary of State may provide or arrange for the provision of support for Asylum Seekers and their dependents who appear to be destitute. Section 95 support is paid via an Aspen Card, which can be used to withdraw cash as well as used in shops to buy provisions
- 12.3 If an Asylum Seeker is granted Refugee Status, Humanitarian Protection, Discretionary Leave (unless a 'No Recourse to Public Funds' condition is attached); or Indefinite Leave to Remain, they are then able to access mainstream benefits on the same basis as a British National. Where an Asylum Seeker is granted one of these statuses the Council may have a statutory obligation to prevent homelessness.
- 12.4 Failed Asylum Seekers may remain in the UK with no recourse to public funds until they are served with removal directions by the Home office. Section 115 of the Immigration and Asylum Act 1999 states that a person will have 'no recourse to public funds' if they are subject to Immigration control. Public funds include welfare benefit and public housing.

## **13. CONCLUSION**

- 13.1 In participating in the Widening Dispersal Scheme, the Council would be making a practical and humanitarian commitment to assist some of the most vulnerable persons fleeing conflict in their home country.
- 13.2 The strength of partnership working in Rhondda Cynon Taf, along with the support of the local communities has been integral to the success of the Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme. Participation in the Widening Dispersal Scheme will provide us with the opportunity to build on this success.

### **Relevant Scrutiny Committee**

Health and Well-being Scrutiny Committee



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Background Papers**

None.

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